

Hon. Richard A. Jones

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MIRA OWNERS ASSOCIATION,

Plaintiff

v.

JEFF LAWRENCE and JANE DOE  
LAWRENCE, husband and wife, and  
their marital community; et al.,

Defendants

NO. C10-0630-RAJ

JUDGMENT AND FORECLOSURE  
DECREE

SUMMARY JUDGMENT AND FORECLOSURE DECREE

THIS MATTER having come on before the Court on Plaintiff's Motion for Summary Judgment and Foreclosure Decree and United States' Cross-Motion for Summary Judgment, and the Court having considered the files, records and pleadings herein, including:

1. Plaintiff's Motion for Summary Judgment and Foreclosure Decree;
2. Certified Declaration of Marcel Scheel in Support of Plaintiff's Motion for Summary Judgment, and the exhibits thereto;
3. Declaration of Inge A. Fordham in Support of Plaintiff's Motion for Summary Judgment, and the exhibits thereto;
4. United States' Response to Plaintiff's Motion for Summary Judgment;
5. Summary Judgment Response of Jeff Lawrence;

**SUMMARY JUDGMENT AND  
FORECLOSURE DECREE - 1**

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206-230-0212

6. Plaintiff's Reply in Support of Motion for Summary Judgment and Foreclosure Decree;

7. Supplemental Declaration of Inge A. Fordham in Support of Plaintiff's Motion for Summary Judgment and Foreclosure Decree, and the exhibits thereto;

8. United States' Cross-Motion for Summary Judgment;

9. Plaintiff's Opposition to United States' Cross-Motion for Summary Judgment;

10. United States' Reply to Plaintiff's Opposition to Cross-Motion for Summary Judgment;

It is now, therefore,

ORDERED, ADJUDGED and DECREED that plaintiff shall be awarded an in personam judgment for post-petition and non-dischargeable condominium assessments against defendants JEFF LAWRENCE and JANE DOE LAWRENCE, husband and wife, and their marital community, and against the real property described herein, in the amounts as follows:

Principal Judgment Amounts [including monthly assessments, late charges and title report]:	\$ <u>7,280.18</u>
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Interest on balances due (through 12/03/10):	\$ <u>1,301.18</u>
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Attorney Fees:	\$ <u>7,858.50</u>
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Costs:	\$ <u>677.58</u>
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Post judgment interest on the total judgment amount to accrue at the rate of 12% per annum.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that plaintiff shall be awarded an in rem judgment against the real property described herein in the amounts as follows:

In Rem Principal Judgment Amounts [including monthly assessments, late charges and title report]:	\$ <u>8,601.51</u>
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1 Interest to Date of Judgment (thru 12/03/10): \$ 1,599.71

2 Attorney Fees: \$ 7,974.00

3 Costs: \$ 677.58

4 Post judgment interest on the total judgment amount to accrue at  
the rate of 12% per annum.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff's  
6 lien upon the land and premises described as:

7 UNIT 305, BUILDING C, MIRA, A CONDOMINIUM, ACCORDING TO THE DECLARATION RECORDED  
8 UNDER RECORDING NO. 20060308001550, AND ANY AMENDMENTS THERETO, AND SURVEY MAP  
AND PLANS IN VOLUME 214 OF CONDOMINIUM PLATS, ON PAGE(S) 55 THROUGH 62, RECORDS  
OF KING COUNTY, WASHINGTON; SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON;  
ASSESSOR'S PROPERTY TAX PARCEL OR ACCOUNT NUMBER: 555400-0420-01;

9 (the "real property") be declared a valid lien exempt from  
10 homestead protection under RCW 6.13.080, as security for the  
11 payment of the plaintiff's judgment hereinabove set forth;

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event  
13 of nonpayment of the judgment forthwith upon its entry, that  
14 plaintiff's lien be foreclosed and that the property described  
15 herein be sold at a foreclosure sale in the manner provided by  
16 law, and the proceeds therefrom applied on said judgment and  
17 accrued interest and such additional amounts as plaintiff may  
18 advance for costs of sale, taxes, assessments, municipal charges,  
19 and such other items as may constitute liens upon the property,  
20 together with insurance and repairs necessary to prevent the  
21 impairment of the security and together with interest thereon from  
the date of payment;

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the period  
23 of redemption shall be one year from the date of the Sheriff's or  
24 Marshal's sale after which time the Sheriff or Marshal shall issue  
the deed to the purchaser;

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff be  
2 permitted to become a bidder and purchaser at the sale;

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if any  
4 deficiency remains after application of the proceeds of the such  
5 sale, execution may be issued for any such deficiency against  
6 defendants JEFF LAWRENCE and JANE DOE LAWRENCE, husband and wife,  
7 and their marital community, as to said defendants' in personam  
8 post-petition liability, and enforced against any other property  
9 of theirs not exempt from execution;

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the rights  
11 of each of defendants JEFF LAWRENCE and JANE DOE LAWRENCE, husband  
12 and wife, and their marital community, and persons claiming by,  
13 through or under them, be adjudged inferior and subordinate to the  
14 plaintiff's lien and be forever foreclosed except only for the  
15 right of redemption allowed by law, if any;

16 IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff is  
17 the holder of a security interest under 26 USC §6323(a), a lien  
18 upon the real property;

19 IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff's  
20 lien for delinquent condominium assessments is superior to the  
21 United States' federal tax lien in the amount of \$683.87, which  
22 was the amount owing as of January 16, 2009, the date the Notice  
23 of Federal Tax Lien was recorded;

24 IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff's  
25 lien for delinquent condominium assessments is inferior to the  
26 United States' federal tax lien for amounts owing after the Notice  
of Federal Tax Lien was recorded;

IT IS FURTHER ORDERED, ADJUDGED and DECREED that a sale of  
the real property conducted by a Sheriff or Marshall pursuant to

1 this foreclosure decree, if any, will eliminate and foreclose the  
2 United States' federal tax lien provided the United States does not  
3 payoff plaintiff's superior lien claim in the amount of \$683.87  
4 prior to the sale;

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED pursuant to RCW  
6 64.34.364(14) that plaintiff is awarded such costs, including  
7 reasonable attorney fees, as may be incurred in collecting this  
8 judgment;

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there being  
10 no just reason for delay, the Clerk is expressly directed to enter  
11 judgment forthwith.

12 Dated this 4th day of March, 2011.

13   
14

15 The Honorable Richard A. Jones  
16 United States District Judge

17 Presented by:

18 Date: 2/28/11

19 SUNDBERG & PODY LAW OFFICE, PLLC

20 /s/ Inge A. Fordham  
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